

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Administrative Penalty  
Order Issued to the Snelling Company on  
May 15, 2000

FIRST PREHEARING ORDER

A prehearing conference was held in this matter on Wednesday, August 9, 2000 at the Office of Administrative Hearings in Minneapolis.

Appearing on behalf of the Department of Health were Assistant Attorneys General Ann Beimdiek Kinsella and Susan A. Casey, 445 Minnesota Street, Suite 1200, St. Paul, Minnesota 55101-2130.

Appearing on behalf of the Snelling Company was Frederic W. Knaak, Holstead & Knaack, Attorneys at Law, 3535 Vadnais Center Drive, Suite 130, St. Paul, Minnesota 55110.

Based upon all of the files and proceedings herein, the Administrative Law Judge makes the following:

**ORDER**

1. That either party desiring to discover materials from the other shall serve its request for discovery on or before August 25, 2000. If a party objects to providing the requested materials, they shall raise their objections promptly. In addition, Mr. Knaak shall provide a letter outlining two legal issues which he raised during the prehearing conference, namely the constitutionality of the statute and double jeopardy. This letter is not intended to be a complete exposition of the issues, but rather merely a "fair warning" to the other side of what he is considering.
2. On or before September 8, 2000, the parties shall respond to any requests for discovery.
3. On or before October 6, 2000, any party desiring to file a dispositive motion shall do so. Responses shall be due on or before November 3.

Dated this 10th day of August 2000.

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ALLAN W. KLEIN  
Administrative Law Judge

**MEMORANDUM**

The parties are encouraged to resolve this matter without the need for protracted discovery, extensive motions, and unnecessary litigation.

AWK